



FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

DA 04-381  
February 12, 2004

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Dear Ms. DiStephano:

This letter responds to a request filed on behalf of Anderson Communications, Inc. (“Anderson”) seeking to amend its FCC Form 175 (“short-form”) application to participate in Auction No. 55.<sup>1</sup> Specifically, Anderson states that Barney Peterson, the president and sole shareholder of Anderson, passed away after the short-form application filing deadline, and that all shares of Anderson have passed into Mr. Peterson’s estate.<sup>2</sup> Anderson’s amendment to its short-form application alleges that all shares of the company will ultimately pass to Mr. Peterson’s spouse.<sup>3</sup> Anderson requests that its amendment be treated as a permissible minor amendment pursuant to Section 1.2105(b)(2) of the Commission’s rules.<sup>4</sup> Alternatively, Anderson requests a waiver of Section 1.2105(b)(2) to allow a major amendment to its short-form application.<sup>5</sup>

On October 17, 2003, the Wireless Telecommunications Bureau (“Bureau”) released a public notice announcing the start date and other procedures governing Auction No. 55.<sup>6</sup> The *Auction No. 55 Procedures Public Notice* required applicants to submit their short-form applications by December 15, 2003.<sup>7</sup> On December 15, 2003, Anderson timely submitted its short-form application.<sup>8</sup> On January 27, 2004, the Bureau released the *Auction No. 55 Qualified Bidders Public Notice*, which listed Anderson as a qualified bidder in the auction.<sup>9</sup> On January 28, 2004, Anderson submitted its short-form amendment notifying the

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<sup>1</sup> See FCC Form 175, Request for Amendment, submitted by Anderson on January 28, 2004 (“Amendment”).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*; 47 C.F.R. § 1.2105(b).

<sup>5</sup> Amendment at 1.

<sup>6</sup> Auction of 900 MHz Specialized Mobile Radio Service Licenses Scheduled for February 11, 2004, Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Auction Procedures, *Public Notice*, 18 FCC Red 21176, 21192 (WTB 2003)(“*Auction No. 55 Procedures Public Notice*”).

<sup>7</sup> *Id.*

<sup>8</sup> 900 MHz Specialized Mobile Radio Service Spectrum Auction, Status of FCC Form 175 Applications to Participate in the Auction, *Public Notice*, DA 04-16 (rel. January 7, 2004).

Commission that the president and sole shareholder of Anderson had passed away on January 17, 2004.<sup>10</sup>

Section 1.2105(b)(2) of the Commission's rules prohibits an applicant from making major modifications to its short-form application after the short-form filing deadline, which for Auction No. 55 was December 15, 2003, at 6:00 p.m. ET.<sup>11</sup> We note that the Part 1 Competitive Bidding Rules do not expressly address involuntary transfers of control due to the death of a controlling interest in a short-form applicant. We hereby determine that an involuntary transfer of control due to the death of an applicant's controlling interest does not constitute a major amendment prohibited by Section 1.2105(b)(2). Accordingly, Anderson's amendment to its short-form application for Auction No. 55 is permitted. Because we permit Anderson to amend its application, we do not address its request for a waiver of Section 1.2105(b)(2).

Accordingly, we grant Anderson's request to amend its short-form application to participate in Auction No. 55. This action is taken under delegated authority pursuant to Section 0.331 of the Commission's rules.<sup>12</sup>

Sincerely,

Margaret W. Wiener  
Chief, Auctions and Spectrum Access Division  
Wireless Telecommunications Bureau

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<sup>9</sup> 900 MHz Specialized Mobile Radio Service Spectrum Auction, 17 Qualified Bidders, *Public Notice*, DA 04-142 (Jan. 27, 2004) ("*Auction No. 55 Qualified Bidders Public Notice*").

<sup>10</sup> Amendment at 1.

<sup>11</sup> 47 C.F.R. § 1.2105(b).

<sup>12</sup> 47 C.F.R. § 0.331.